

1 THOMAS E. FRANKOVICH (State Bar No. 074414)
2 THOMAS E. FRANKOVICH,
3 A Professional Law Corporation
4328 Redwood Hwy., Suite 300
3 San Rafael, CA 94903
4 Telephone: 415/674-8600
Facsimile: 415/674-9900

5 Attorneys for Plaintiffs
6 DAREN HEATHERLY and IRMA RAMIREZ
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAREN HEATHERLY and IRMA RAMIREZ,

Case No.: CV 11-1069 MEJ

Plaintiffs,

Unlimited Civil Matter

v.

MARISCO'S LA JAIBA; XU TRUONG and AHN HOANG, TRUSTEES OF THE TRUONG/HOANG FAMILY TRUST, U.D.T. dated March 18, 1997; and MIGUEL PELAYO MONTIEL, an individual dba MARISCO'S LA JAIBA,

STIPULATION EXTENDING TIME FOR DEFENDANT XU TRUONG and ANH HOANG, TRUSTEES OF THE TRUONG/HOANG FAMILY TRUST TO RESPOND TO PLAINTIFFS' COMPLAINT AND EXTENDING DATES IN SCHEDULING ORDER; AND [PROPOSED] ORDER THEREON

Defendants.

Plaintiffs DAREN HEATHERLY AND IRMA RAMIREZ (hereinafter "Plaintiffs") and Defendants MARISCO'S LA JAIBA (hereinafter "Marisco's"); XU TRUONG and ANH HOANG (erroneously sued herein as AHN HOANG), TRUSTEES OF THE TRUONG/HOANG FAMILY TRUST, U.D.T. dated March 18, 1997 (hereinafter "Defendant Truong"); and MIGUEL PELAYO MONTIEL, an individual dba MARISCO'S LA JAIBA (hereinafter "Montiel"), by and through their respective counsel, respectfully request to make the following stipulation:

1. WHEREAS, all Defendants have been served with the Summons and Complaint; and
2. WHEREAS, Defendants Marisco's and Montiel have filed an Answer to the Complaint; and

1 3. WHEREAS, pursuant to a prior Stipulation of the parties, the Court on June 6, 2011
2 entered an Order extending for 30 days the dates in the Scheduling Order. The Court's June 6, 2011
3 Order extended the dates in the Scheduling Order as follows:

4 Defendant Truong's response to the Complaint due July 7, 2011.

5 Parties to complete Initial Disclosures by July 8, 2011.

6 Parties to hold a joint inspection of the premises by July 15, 2011.

7 Parties to meet and confer in person to discuss settlement by July 25, 2011.

8 Plaintiff's file "Notice of Need for Mediation" by August 29, 2011.

9 4. WHEREAS, on July 5, 2011, Defendant Truong made a written settlement offer to
10 Plaintiffs. Plaintiffs are currently considering Defendant Truong's settlement offer.

11 5. WHEREAS, the parties are actively attempting to negotiate a settlement in the above-
12 referenced case, and wish to reduce fees, costs and litigation expenses in doing so.

13 6. WHEREAS, the parties believe it would be in the interests of efficiency and economy
14 to extend the time for Defendant Truong to respond to Plaintiff's Complaint and to further extend for
15 one week the dates in the June 6, 2011 Order.

16 IT IS STIPULATED that:

17 1. Defendant Truong will have up to and including July 14, 2011 to respond to the
18 Complaint;

19 2. The parties will complete initial disclosures by July 15, 2011;

20 3. The parties will hold a joint inspection of the premises by July 22, 2011;

21 4. The last day for the parties to meet and confer in person to discuss settlement is
22 August 1, 2011;

23 5. The last day for Plaintiffs to file "Notice of Need for Mediation" is September 6, 2011
24 (because September 5, 2011 is a Court holiday).

25 DATED: July 7, 2011

THOMAS E. FRANKOVICH,
A Professional Law Corporation
Attorneys for Plaintiffs
DAREN HEATHERLY and IRMA RAMIREZ

28 By: /s/ Thomas E. Frankovich
 Thomas E. Frankovich

1 DATED: July 7, 2011

AARON & WILSON, LLP
Attorneys for Defendants
MARISCO'S LA JAIBA; MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA
JAIBA

4 By: /s/ Robert S. Aaron
5 Robert S. Aaron

6 DATED: July 7, 2011

HATCHER & RUNDEL
Attorneys for Defendants
MARISCO'S LA JAIBA; MIGUEL PELAYO
MONTIEL, an individual dba MARISCO'S LA
JAIBA

9 By: /s/ William W. Hatcher, Jr.
10 William W. Hatcher, Jr.

11 DATED: July 7, 2011

12 SPAULDING McCULLOUGH & TANSIL LLP
13 Attorneys for Defendants
14 XU TRUONG and ANH HOANG, Trustees of the
15 TRUONG/HOANG FAMILY TRUST, U.D.T. dated
16 March 18, 1997 (erroneously sued herein as AHN
17 HOANG)

18 By: /s/ Mary P. Derner
19 Mary P. Derner

ORDER

20 IT IS SO ORDERED that Defendant Truong will have up to and including July 14, 2011 to
21 respond to the Complaint.

22 IT IS FURTHER ORDERED that the parties will complete initial disclosures by July 15,
23 2011;

24 IT IS FURTHER ORDERED that the parties will hold a joint inspection of the premises by
25 July 22, 2011.

26 IT IS FURTHER ORDERED that the last day for the parties to meet and confer in person to
27 discuss settlement is August 1, 2011;

1 IT IS FURTHER ORDERED that the last day for Plaintiffs to file "Notice of Need for
2 Mediation" is September 6, 2011.

3 Dated: July 11, 2011

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THE HONORABLE MARIA-ELENA JAMES
United States Magistrate Judge

